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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

September 25, 2007

Commissioner For Patents  
Office of Initial Patent Examination  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Our File: REGIM 3.3-069  
Appln. No. 10/556,641  
Filing Date: November 6, 2006  
Group Art Unit: 1615

Dear Sir:

We are enclosing herewith copies of the filing receipt, executed Declaration and Application Data Sheet for the above-identified patent application.

Please note that the enclosed filing receipt contains two errors. First, the section entitled "*Assignment for Published Patent Application*" is incomplete and should read as follows:

**--ETHYPHARM, Houdan, FRANCE;**  
Toray Industries, Inc., Tokyo, JAPAN--

Second, in the section entitled "*Foreign Applications*," please change the application number to read --03291180,2--.

Kindly issue a corrected filing receipt for the above-identified application as soon as possible.

Sincerely yours,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

ARNOLD H. KRUMHOLZ  
Reg. No. 25,428

AHK/lis  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/556,641	11/06/2006	1615	1390	REGIM 3.3-069	7	2

CONFIRMATION NO. 8511

530  
 LERNER, DAVID, LITTENBERG,  
 KRUMHOLZ & MENTLIK  
 600 SOUTH AVENUE WEST  
 WESTFIELD, NJ 07090

## FILING RECEIPT



\*OC000000025338559\*

Date Mailed: 08/15/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Sandrine Salle, Saint Illiers La Ville, FRANCE;  
 Emmanuel Guerin, Colombes, FRANCE;

## Assignment For Published Patent Application

Toray Industries, Inc., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **00530**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB04/01912 05/19/2004

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 032911802 05/20/2003

If Required, Foreign Filing License Granted: 08/11/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/556,641**

Projected Publication Date: 11/22/2007

LDLK & M  
 AUG 17 2007  
 RECEIVED

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Oral Sustained Release Pharmaceutical Composition

**Preliminary Class**

424

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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PTO/SB/02A (09-04)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> <b>(37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing    OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)		<b>Attorney Docket Number</b>	<b>REGIN 3.3-069</b>
		<b>First Named Inventor</b>	<b>Sandrine SALLE</b>
		<b>COMPLETE IF KNOWN</b>	
		<b>Application Number</b>	
		<b>Filing Date</b>	
		<b>Group Art Unit</b>	
		<b>Examiner Name</b>	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am an original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ORAL SUSTAINED RELEASE PHARMACEUTICAL COMPOSITION**

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **05/19/2004** as United States Application Number or PCT International

Application No. **PCT/IB2004/001912** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
03291180.2	EUROPE	05/20/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:



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PTO/SB/02A (09-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
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## DECLARATION — Utility or Design Patent Application

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number 000530

Direct all correspondence to: ☒ Customer Number or Bar Code Label **000530** OR ☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any)) **Sandrine**

Family Name or Surname **SALLE**

Inventor's Signature

Residence: City: **SAINT ILLIERS LA VILLE**

State

Country: **FRANCE**

Date **09/02/06**

Citizenship: **French**

Mailing Address:

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City: **SAINT ILLIERS LA VILLE**

State

ZIP: **78980**

Country: **FRANCE**

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any)) **Emmanuel**

Family Name or Surname **GUERIN**

Inventor's Signature

Residence: City: **COLOMBES**

State

Country: **FRANCE**

Date **12.01.2006**

Citizenship: **French**

Mailing Address:

**4, rue Maurice BERTEAUX, 92700 COLOMBES - FRANCE**

City: **COLOMBES**

State

ZIP: **92700**

Country: **FRANCE**

☒ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



## Application Data Sheet

### **Application Information**

Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	N/A
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	ORAL SUSTAINED RELEASE PHARMACEUTICAL COMPOSITION REGIM 3.3-069
Attorney Docket Number::	No
Request for Early Publication?::	No
Request for Non-Publication?::	1
Suggested Drawing Figure::	9
Total Drawing Sheets::	No
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

### **Applicant Information**

Applicant Authority Type::	Inventor
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City of mailing address::	Saint Illiers La Ville
Country of mailing address::	France
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Applicant Authority Type:: Inventor  
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 Country of mailing address:: France  
 Postal or Zip Code of mailing address:: F-92700

#### Correspondence Information

Correspondence Customer Number:: 000530

#### Representative Information

Representative Customer Number:: 000530

#### Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	National Stage of	PCT/IB2004/001912	05/19/04

#### Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
European Patent Office	03291180.2	05/20/03	Yes

#### Assignee Information

Assignee name:: ETHYPHARM  
 Street of mailing address:: 21, rue Saint-Mathieu  
 City of mailing address:: Houdan



Country of mailing address:: France  
Postal or Zip Code of mailing address:: F-78550

Assignee name:: TORAY INDUSTRIES, INC.  
Street of mailing address:: 2-1, Nihonbashi, Muromachi 2-chome  
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